

EXHIBIT 8

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION
4 _____
5)
6) Civil Action No.
7 In Re FLINT WATER CASES) 5:16-CV-10444-JEL-MKM
8) (Consolidated)
9)
10)
11) Hon. Judith E. Levy
12) Mag. Mona K. Majzoub
13)
14)
15 _____)

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10
11 HIGHLY CONFIDENTIAL
12 VIDEOTAPED DEPOSITION OF BRENT WRIGHT
13 Tuesday, December 3, 2019
14 at 9:08 a.m.
15
16
17

18 Taken at: Butzel Long
41000 Woodward Avenue
19 Bloomfield Hills, Michigan 48304
20
21 REPORTED BY: LAURA STEENBERGH, RPR, CRR, RMR, CSR-3707
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1 WAS MARKED BY THE REPORTER

2 FOR IDENTIFICATION

3 BY MR. ERICKSON:

4 Q. Take a look at what we've marked as Exhibit 37.

5 MR. ERICKSON: And there are extra copies for
6 you, Mr. Morad.

7 BY MR. ERICKSON:

8 Q. Is this the Phase II report that you recall referencing
9 in connection with your work for the City of Flint?

10 A. Yes.

11 Q. I'm not going to ask you anymore questions about it
12 right now.

13 WRIGHT EXHIBIT 38

14 Preliminary Engineering Report -

15 Karegnondi Water Authority

16 WAS MARKED BY THE REPORTER

17 FOR IDENTIFICATION

18 BY MR. ERICKSON:

19 Q. Next let me show you what we've marked as Exhibit 38.

20 It's the top one there.

21 In connection with your work at the City of

22 Flint, did you become aware of a report called

23 Preliminary Engineering Report, Lake Huron Water Supply

24 Karegnondi Water Authority from September 2009?

1 A. Yes.

2 Q. And was this commonly referred to within the City of
3 Flint as the KWA report?

4 A. Correct.

5 Q. I would ask you to turn to Appendix 9, which is about
6 this far in (indicating). And it's authored by Wade
7 Trim, so you'll see the Wade Trim logo at the bottom.
8 And just let me know when you've found Appendix 9.

9 MR. ERICKSON: Can you give him a hand there,
10 Mr. Morad?

11 MR. MORAD: Yep.

12 MR. ERICKSON: It's about two-thirds of the
13 way in.

14 THE WITNESS: Yes, I've got it.

15 BY MR. ERICKSON:

16 Q. Okay. And are you at the front page of Appendix 9?

17 A. Appendix 9, yeah. It says Wade Trim at the bottom.

18 Q. And it says Technical Memorandum, City of Flint Water
19 Treatment Plant, correct?

20 A. Correct.

21 Q. And it carries the logo of Wade Trim, indicating that
22 this portion of the report was authored by Wade Trim, is
23 that your recollection?

24 A. Yes.

1 Q. And now I want you to turn to page 16 of 20 in this
2 report, and to Section 9.5 on page 16.

3 Do you see that?

4 A. Table 9.1 is what you said?

5 Q. It's Section 9.5, it's page 16 of 20. If you're at
6 Table 9.1 it's just above that.

7 A. Yeah, I'm there.

8 Q. Okay. Do you see the paragraph beginning, Engineer's
9 opinion of construction cost?

10 A. Yes.

11 Q. In the third sentence Wade Trim offers the estimate,
12 they say:

13 Overall the cost to update the Flint Water
14 Treatment Plant in order for the plant to treat water
15 from Lake Huron is estimated at approximately \$7.1
16 million.

17 Do you see that?

18 A. Yes.

19 Q. And do you recall that in subsequent years within the
20 City of Flint people often referred to this Wade Trim
21 estimate for what they thought it was going to cost to
22 upgrade the Flint Water Treatment Plant?

23 A. Not that I -- repeat that question.

24 Q. If you don't recall, that's fine. I'll repeat the

1 question.

2 Do you recall that in subsequent years, in
3 2011, 2012, 2013, people within the City of Flint often
4 referred back to the KWA report and cited this \$7.1
5 million figure as an estimate of what it was going to
6 cost to upgrade the Flint Water Treatment Plant?

7 A. Not that I remember.

8 Q. Okay. There may be some documents later that will
9 refresh your recollection.

10 Would you agree with me that this estimate
11 that's being provided by Wade Trim was the estimate --
12 was their estimate for upgrading the plant to treat Lake
13 Huron water and not Flint River water?

14 A. Yes.

15 Q. Take a quick look at 9.1, all the tables there through
16 9.8 on page 18. Would you agree with me that it appears
17 likely that if you added up all these tables that it
18 would come out to the \$7.1 million that was -- that
19 we've just discussed?

20 A. You say including the next page, right?

21 Q. It's all the tables up through Table 9.8. You know
22 what? I'm just going to ask you to assume that's true.

23 A. Yes.

24 Q. It looks to be true, is that your testimony?

1 A. Yes.

2 Q. Okay. By the way, one thing that I have to remember is
3 to wait for you to finish your answers and I've got to
4 wait for you to finish -- you've got to wait for me to
5 finish my questions.

6 Turn to Table 9.5, which is on page 17. Wade
7 Trim estimated the use of phosphoric acid, they
8 estimated the cost of the phosphoric acid feed system
9 for corrosion control and sequestering.

10 Do you see that?

11 A. Yes.

12 Q. So does that refresh your recollection that Wade Trim
13 was recommending the use of a phosphate-based additive
14 for corrosion control for the Lake Huron water?

15 A. Yes.

16 Q. And that's consistent with your testimony a little
17 earlier this morning that you knew you were going to use
18 phosphates if you were treating Lake Huron water?

19 A. Yes.

20 Q. All right. You can set that aside.

21 The next several questions I have are going to
22 be from the Kurtz book, so I'm going to be referencing
23 exhibits from Mr. Kurtz's deposition, starting with
24 Number 1.

1 THE WITNESS: Okay. Yes.

2 BY MR. ERICKSON:

3 Q. Okay. So right away in the introduction of this 2011
4 report Mr. Green let's any reader know that in preparing
5 the report he's referencing back to the Phase II report
6 from 2003, and the KWA report from 2009, correct?

7 A. Correct.

8 Q. Please turn to page 10 of 12.

9 So on page 10 of 12, do you see that there's a
10 list of chemicals that Mr. Green is telling the reader
11 of this report he anticipates being used at the Flint
12 water plant when it's operating off of Flint River
13 water?

14 A. Yes.

15 Q. And he includes soda ash as one of the chemicals,
16 correct?

17 A. Correct.

18 Q. And is it your understanding that soda ash is used for
19 what's called full softening?

20 A. Correct.

21 Q. And that's -- so lime would be -- lime only would be
22 partial softening, and lime and soda ash together would
23 be full softening, is that your understanding?

24 A. Yes.

1 Q. In addition, in this report Mr. Green included
2 phosphates on the list of chemicals that he anticipated
3 being used at the Flint water plant, do you see that?

4 A. Yes.

5 Q. Does that indicate to you that Mr. Green anticipated
6 when he authored this report in 2011 that he believed
7 that phosphates would be used at the plant for corrosion
8 control?

9 A. According to this report, yes.

10 Q. And did you have a copy of this report when you were --

11 A. I'm sure I did, yes.

12 Q. Okay. And throughout the relevant period from 2011
13 until the time you left, correct?

14 A. Correct.

15 WRIGHT EXHIBIT 39

16 Scope of Services - Bates

17 Number LAN-MAG-00000103

18 WAS MARKED BY THE REPORTER

19 FOR IDENTIFICATION

20 BY MR. ERICKSON:

21 Q. Now I want to set that aside and turn to what we've
22 marked as Number 39. It looks like this (indicating).

23 Oh, you know what, before I go to Exhibit 39,
24 I'd like to reference Kurtz Exhibit Number 7.

1 Q. Okay. We discussed yesterday that the 2011 report
2 included phosphates for corrosion control, correct?

3 A. Correct.

4 Q. And we discussed yesterday that the 2009 report from
5 Wade Trim for KWA included corrosion control, correct?

6 A. Correct.

7 Q. And we discussed yesterday that the 2011 report made
8 reference back to both the KWA report and the Phase II
9 report, correct?

10 A. Correct.

11 Q. The reason that phosphates weren't used for corrosion
12 control was because the MDEQ told you that you didn't
13 have to do it, isn't that right?

14 A. That, and Mike Glasgow was saying that we were going to
15 be a softening plant, that we probably -- we wouldn't
16 need it, we wouldn't need them, being a softening --

17 Q. Mike Glasgow was saying that?

18 A. Mike Glasgow, you know, was saying that. And then at
19 the meeting at the MDEQ, they -- when they said let's
20 see what your lead and copper sampling does. So yeah,
21 we took it at that point of not adding the phosphate.

22 Q. Okay. Mr. -- strike that.

23 You also recall from yesterday that LAN
24 recommended the use of full softening when treating

1 water at the Flint water plant from the Flint River,
2 correct?

3 A. Yes.

4 Q. And the reason that wasn't done is because the MDEQ told
5 the city it didn't have to, correct?

6 A. Yes. That was one of the -- we didn't have to fully
7 soften with soda ash.

8 Q. Do you recall Warren Green recommending to you at any
9 time that the city do a 60-to-90-day final test run
10 before distributing water to the public?

11 A. Yes.

12 Q. And why did Mr. Green say it was important to do a
13 60-to-90-day final plant test run?

14 A. To shake out any problems that we might have from --

15 Q. In fact, Mr. --

16 A. This is a standby water plant so, you know, if you go
17 months with stuff sitting, it's made to be used every
18 day.

19 Q. So Mr. Green told you you want to do a final test run to
20 see if you have any issues before you start distributing
21 water to the public, correct?

22 A. Yes.

23 Q. Were you able to do anything in the way of a final plant
24 test run in February and March and April of 2013?